UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,941	11/15/2001	Gregory L. Trauth	47128-0011USPT	5918

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EXAMINER
IRSHADULLAH, M

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/998,941	TRAUTH ET AL.
	Examiner	Art Unit	
	M. Irshadullah	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _25 August 2003_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _1-31_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _1-31_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some * c) ☐ None of:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____.
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
   since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
   37 CFR 1.78.
   a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
   reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   This communication is in response to amendments filed August 25, 2003.

Summary Of Instant Office Action

2.   Applicant's arguments regarding claims 1-31 rejected under 35 U.S.C. 103,

Paper No. 5, Office Action mailed May 23, 2003 have been fully considered and are

responded below.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rebane (US Patent 6,539,392 B1).

Rebane teaches:

Claim 1.   A method for notifying personnel of customer feedback messages,

comprising the steps of:

a) receiving a customer feedback message (Col. 2, lines 23-26 recited with col. 12,

lines 52-58, wherein "inputting consumer satisfaction survey data" infers claimed

"receiving customer feedback message" by reference's system);

b) storing said feedback message in a database (Col. 9, lines 62-65, wherein survey data, as discussed above, represents "feedback message";

c) creating an electronic notification message containing information about said feedback message (Col. 34, lines 65-67 read with col. 35, lines 4-5, wherein "automated notification" would produce (generate or create) claimed "notification message" which would be relating to above discussed "feedback message"); and

d) transmitting said notification message to an employee (Col. 6, lines 4-9. Applicant will appreciate that cited "communication" function would be used for sending (transmitting" above discussed "notification message" and cited "merchant" would encompass claimed "employee", such as supervisor, manager etc.).

Claims 2, 9, 14, 16,18, 20, 22, 29.   The method, wherein said notification message is an e-mail message (Col. 25, lines 22-25).

Claims 3 and 24.   The method, wherein said step of receiving said feedback message includes receiving a customer satisfaction rating (Col. 34, lines 18-19 and 23-27, wherein "categorizing by customer satisfaction ratings" infers that data relating to customer satisfaction were received (receiving) prior to categorizing).

Claims 4 and 25.   The method, wherein said information in said notification message includes said customer satisfaction rating (Col. 11, line 2, Col. 34, line 66

recited with lines 23-27 (specifically line 27). Reference's "appending" function would be

used for attaching (to include) above discussed customer satisfaction rating).

Claims 5, 12 and 26.   The method, comprising the further steps of:

a) determining whether said customer satisfaction rating is below a threshold

value (Col. 15, lines 53-54 and col. 25, line 65 through col. 26, line 1, wherein cited

"processing" and "comparing with predefined low threshold" infer claimed "determining

whether rating is below a threshold"); and

b) transmitting a second electronic notification message to a second employee if

said customer satisfaction rating is below said threshold value (Col. 6, lines 4-8.

Reference's "communication" function would be used for sending (transmitting) any

number of above discussed notification message and as discussed above "merchant"

would encompass manager (second employee).

Claims 6 and 13.   The method comprising the further steps of:

a) determining whether said customer satisfaction rating is above threshold value

(Col. 15, lines 53-54 and col. 25, lines 63-65 and discussion of claim 5a) above); and

b) transmitting a third electronic notification message to said employee if said

customer satisfaction rating is above said threshold value (See discussion of claim 5b)
above).

Claim 7.   The method of claim 1 comprising the further steps of:

a) creating an audio file containing said feedback message (Col. 33, Col. 33,

lines 16-17 and col. 34, lines 8-9, wherein "generating audio-based icon" infers the

availability of a function for generating (creating" claimed "audio file"); and

b) attaching said audio file to said notification message (Col. 11, wherein

reference's "appending" function would be used for claimed attaching above discussed

"audio file" to above mentioned notification message).

Claim 8.   A method for notifying personnel of customer feedback messages,

comprising the steps of:

a) receiving a spoken customer feedback message ((Col. 2, lines 61-63 read with

lines 60-61, wherein "telephonic survey responses from individuals" infer claimed

"receiving spoken feedback message");

b) creating an audio file containing a recording of said spoken feedback message

(See discussion of Applicant's claim 7a) above);

c) storing said audio file in a database (See discussion of Applicant's claim 1b),

wherein reference's "storing" function would be used for storing above discussed "audio

file");

d) generating an electronic notification message, said notification message

indicating that said feedback message has been received (See discussion of Applicant's

claim 1c) above);

e) transmitting said electronic notification message to an employee (See discussion of Applicant's claim 1d) above); and

f) accessing said database and playing said audio file to said employee upon receiving a command from said employee (Col. 14, lines 23-24 recited with col. 34, line 9, wherein, as discussed above, "audio-based icon" would inherently play voice (audio) sound to the merchant (employee, such as manager, supervisor etc.) when employee (merchant) would press a key on a keyboard or click the icon by a mouse (Col. 11, line 46) which clearly infer a "entering a command" by merchant (employee)).

Claim 10.   The method of claim 8 comprising the further step of assigning a response ID to said complaint (Coil. 13, lines 50-53 (specifically line 55), wherein "data collected" would be claimed "response" and reference's "assigning identifier" function would be used for claimed purpose).

Claim 11.   The method of claim 10 wherein said command from said employee is said response ID (Inherent, since merchant (employee) have to enter or click on icon representing identifier (ID)).

Claim 15.   A method for notifying personnel of customer messages, comprising the steps of:

a) receiving a satisfaction rating from a customer (See discussion of Applicant's claim 5a) above);

b) receiving a spoken b) message from said customer (See discussion

of Applicant's claim 8a) above);

c) creating an audio file containing a recording of said spoken message (See

discussion of Applicant's claim 8b) above);

d) storing said audio file in a database (See discussion of Applicant's claim 8c)

above);

e) generating an electronic notification message (See discussion of

applicant's claim 8d) above);

f) attaching said audio file to said notification message (See discussion

of Applicant's claim 7b) above);

g) transmitting said electronic notification message to an employee (See

discussion of Applicant's claim 8e) above);

h) determining whether said satisfaction rating is below a threshold value (See

discussion of Applicant's claim 5a) above); and

i) transmitting a second electronic notification message to a second employee if

said satisfaction rating is below said threshold value (See discussion of Applicant's claim

5b) above).

Claim 17.   A customer feedback notification system, comprising:

a) a database for storing a customer feedback message (See

discussion of Applicant's claim 1b) above);

b) an electronic notification message, said notification message indicating that said

feedback message has been received (See discussion of Applicant's claim 1c) above);

and,

c) a computer server for transmitting said notification message to an employee

(See discussion of Applicant's claim 1d) above. Reference's "computer system-col. 11,

lines 39 and 43-44- would be functioning as claimed "server").

Claim 19.   The system of claim 17 further comprising:

a) a voice server that receives a spoken message from a customer (See

discussion of Applicant's claim 8a) above);

b) an audio file containing said spoken message, said audio file being generated

by said voice server (See discussion of Applicant's claim 8b) above);

c) wherein said audio file is attached to said notification message before being

transmitted to said employee (See discussion of Applicant's claim 7b) above).

Claim 20.   A customer feedback notification system, comprising:

a) a voice server for receiving a spoken customer feedback message (See

discussion of Applicant's claim 8a) above);

b) a database for storing said feedback message in an audio file (See discussion

of Applicant's claim 8c) above);

c) an electronic notification message indicating that said feedback message has

been received and including said audio file as an attachment (See discussion of

Applicant's claim 8d) and 7b) above); and

d) a computer server for transmitting said notification message to an employee (See discussion of Applicant's claim 8e) above).

Claim 22.   A method for receiving and tracking customer feedback messages, comprising the steps of:

a) receiving a customer feedback message (See discussion of Applicant's claim 1a) above);

b) storing said feedback message in a database (See discussion of Applicant's claim 1b) above);

c) creating an electronic notification message indicating that said feedback message has been received (See discussion of Applicant's claim 1c) above);

d) transmitting said notification message to an employee (See discussion of Applicant's claim 1d) above);

e) accessing said database using a web server to retrieve said feedback message (See discussion of Applicant's claim 8f) above and col. 9, line 2-web server); and

f) displaying said feedback message within a web page to said employee (Col. 15, lines 31-32, col. 16, lines 37-39 and Fig. 18 (column captioned "RATING"), wherein "rating" entries infer their receipt or collection of "feedback message" in the form of "ratings" (Col. 34, line 27)).

Claim 27.   The method of claim 22 comprising the further steps of:

a) creating an audio file containing said customer feedback message; storing said audio file in said database (See discussion of Applicant's claim 7a) above); and

b) providing a link on said web page enabling said employee to playback said audio file (See discussion of Applicant's claim 8c) above).

Claim 28.   A system for receiving and tracking customer complaints, comprising:

a) a voice server for receiving a customer complaint (See discussion of Applicant's claim 22a) above);

b) a database for storing said complaint in a complaint record (See discussion of Applicant's claim 22b) above);

c) an electronic notification message indicating that said complaint has been received (See discussion of Applicant's claim 22c) above);

d) a computer server for transmitting said notification message to an employee (See discussion of Applicant's claim 20d) above);

e) a web server connected with said database, said web server configured to enable said employee to access said database to retrieve said compliant record (See discussion of Applicant's claim 22e) above); and

f) a web page defined to display said complaint record retrieved by said employee (See discussion of Applicant's claim 22f) above).

Claim 30.   The system of claim 28 further comprising:

a) an audio file containing a spoken customer complaint (See discussion of

Applicant's claim 7a) above and col. 35, line 60, wherein "comments or review" would

include claimed "complaint");

b) wherein said complaint record includes said audio file (See discussion of

Applicant's claim 7b) and discussion above).

Claim 31.   The system of claim 30 wherein said audio file is attached to said

notification messages (See discussion of Applicant's claim 7b) above).

Response to Arguments

5.   Applicant's arguments filed August 25, 2003 have been fully considered but they

are not persuasive and are responded below.

In the Remarks the Applicant argues that:

a) Rebane is directed to a system obtaining and analyzing customer surveys.

In this regard, it is pointed out that Applicant does the same thing. For instance,

Applicant's specification, page 1, lines 10-12 reading "the invention relates to a system

and method for notifying companies and retailers of customer's complaints or

dissatisfaction **responses to survey questions**"; specification page 7, line 4: "Fig. 1

depicting basic architecture of a **Voice-based survey**", and page 8, line 4: "Fig. 3

showing the operation of a **voice-based survey**".

b) Rebane does not teach following steps in claims 1, 8, 15 and 22: "1) receiving

a feedback message, 2) creating or generating an electronic notification message

containing information about the feedback message, and 3) transmitting the notification

message to an employee.

In this respect to:

1) Applicant is referred to Rebane's col. 2, lines 21-26 and 59-63 recited with col.

12, lines 52-58, wherein marketing surveys are employed using phone for obtaining or

receiving responses or feedback messages from individuals or consumers. Moreover,

"capturing data by server 14 that a consumer inputs into consumer satisfaction survey

questionnaire 100" clearly indicating that consumer input data or response or feedback

to the survey questionnaire are captured or received by the server;

2) Applicant is directed to Rebane's col. 34, lines 64-67, wherein "reference

system's infomediary allowing members to access automated notifications about subject

matter of their interest" clearly inferring the availability of a function which reference

system's automated notification function produced or generated and was accessible by

members. The notification would relate to above discussed feedback or response

messages; and

3) Rebane's teaching "data or information communicated between consumer and

merchant computers" unambiguously indicating that reference system provides

communication system which system a user would employ to communicating or

transmitting above discussed notification to parties involved including merchant. The

term "merchant" being generic term would encompass employees, such as supervisors,

managers etc. which is also in line with Applicant's specification, page 5, lines 11-13

read with page 1, lines 10-12: "customer problems or dissatisfaction provided to company or retailer or merchant employees and managers".

It is, therefore, stated that Rebane teaches the features in question.

b) Rebane does not teach "electronic notification messages indicating that message has been received" as claimed in claims 17 and 20. Regarding this, Applicant is directed to the discussion of steps 1-3 above.

In general, applicant's arguments fail to consider the full teachings of the references in light of the knowledge generally available to those in the appropriate art and the level of ordinary skill in this art. Moreover, applicant's arguments take an overly narrow view of the claim language.

The prior art relied upon in the rejection of the claims ought to be considered as a whole in order to appreciate and determine similarity or closeness of the systems under consideration, including the composition of contents and functions (or functionality) of the systems.

Then come nomenclature, terminology and titling of the systems. The systems may be, and usually are, named, terminology used, titled differently by proponents or applicants, yet the component composition would be same or similar and they would be performing same or similar function(s).

In the light of above mentioned facts, it is respectfully stated that Applicant's arguments have been fully considered, deemed unpersuasive and prior rejection is maintained.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
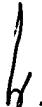
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

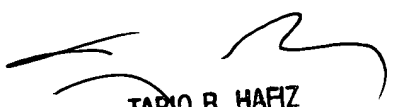than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to M. Irshadullah whose telephone number is (703) 308-

6683. The examiner can normally be reached on Monday-Friday 11:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 872-9326 for

regular communications and for After Final (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

M. Irshadullah
November 18, 2003

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600